

REGION 8
Screening Form for Low-Effect HCP Determination and
NEPA Environmental Action Statement

I. Project Information

- A. **Project name:** Laguna County Sanitation District (LCSD) Facilities Construction, Operation and Maintenance Low Effect Habitat Conservation Plan (HCP).
- B. **Affected species:** Endangered California tiger salamander (*Ambystoma californiense*) (CTS) Santa Barbara County Distinct Population Segment Threatened California red-legged frog (*Rana draytonii*) (CRLF).
- C. **Project size:** Various construction and maintenance projects totaling 37.63 acres of permanent impacts and 14.37 acres of temporary impacts.
- D. **Brief project description, including minimization and mitigation plans:** The LCSD proposes to upgrade, modify, replace and eventually expand the capacity of its Wastewater Reclamation Plant (WWRP) and associated infrastructure in the unincorporated western Santa Maria Valley area of Santa Barbara County. Activities to be covered by permit include:
- Phased upgrade and expansion of the WWRP (Phases 1 and 2);
 - Removal of an existing soil stockpile and construction of a second recycled water storage reservoir;
 - Burial of an above-ground segment of a supply pipeline to the existing storage reservoir;
 - Construction of a recycled water pipeline to the Rancho Maria Golf Course and environs;
 - Construction of a recycled water pipeline and storage tank in Waller County Park;
 - Replacement of the Foster Road segment of the trunk sewer line; and
 - Operation and maintenance activities, such as repair/replacement of the existing piping and pump facilities, repair and maintenance of roads, vegetation maintenance, and erosion control.

Minimization and avoidance measures to protect CTS and CRLF will be adhered to during construction, operation and maintenance of LCSD facilities. They include the following measures:

1. At least 30 days prior to the onset of construction, the LCSD shall submit the name(s) and credentials of biologists that would conduct activities specified in the following measures. No project activities shall begin until the LCSD receives verbal/written approval from the Service that the biologist(s) is qualified to conduct the work.
2. Prior to each individual Covered Activity identified in the HCP, all LCSD and contract personnel shall receive a pre-construction environmental awareness training, which will describe the appearance of CTS and CRLF, the applicable provisions of the Federal Endangered Species Act, the importance of protecting the CTS and CRLF and their habitat, and the mitigation measures required by the HCP. The environmental awareness program shall be prepared and presented by a Service-approved biologist. The presentation will be submitted to the Service for review and approval. For personnel conducting covered operation and maintenance activities, this training shall be presented on an annual basis.
3. "Work areas", including those used for access, staging, and materials storage shall be identified by the project manager/engineer and staked and flagged with material that is highly visible to equipment operators. The work area will be limited to the smallest area possible and will be subject to biological surveys as described in measure #4. As such, the work area will have been inspected for presence of CTS and CRLF. Construction personnel and equipment will not be allowed beyond the area surveyed, as delineated in the field.
4. Within 7 days of any planned ground disturbance, a Service-approved biologist shall conduct systematic searches for small mammal burrows in the work area. Burrows shall be mapped and flagged in the field with pin flags. All burrows for which the terminus cannot be observed will be examined internally with a fiber optic or infrared scope. Under the supervision of a Service-approved biologist, each burrow will be carefully excavated to its full extent to determine the presence of CTS or CRLF. Once the work area has been cleared by a biologist, a barrier constructed of hardware cloth, silt fence, or similar material will be installed on its perimeter to prevent entry of CTS and CRLF. The barrier will be buried a minimum of three inches below ground surface and will be at least 18 inches in height. Following any significant rain event (i.e., greater than 0.5 inch), the silt fences will be inspected by a Service-approved biologist for CTS and CRLF. Work areas will also be inspected each morning. The silt fence will remain in place until work has been completed.
5. If CTS or CRLF are encountered during the field clearance or daily inspections a Service-approved biologist will capture the specimen(s) and relocate to a suitable nearby area (e.g., Reservoir Pool or other location mutually agreeable to the LCSD and the Service) that will not be disturbed by future LCSD activities. Relocation efforts will be conducted using the Declining Amphibian Populations Task Force Fieldwork Code of Practice. To avoid heat stress, individuals will be relocated immediately. Biological data will be collected on all relocated specimens (i.e., size, weight, etc.) will be provided to Service.

6. No work shall be conducted prior to sunrise or after sunset when CTS and CRLF are most active. With the exception of emergencies or unforeseen circumstances requiring immediate action, maintenance and repair activities will be scheduled outside the rainy season.
7. Trash will be removed from worksites on a daily basis and all outdoor trash containers in the HCP area will be covered at all times to avoid attracting predators.
8. The LCSD shall designate one or more persons to monitor onsite compliance with all required avoidance and minimization measures. The Service-approved biologist shall ensure that the monitor(s) is trained in the identification of CTS and CRLF. The monitor and the Service-approved biologist will have the authority to temporarily halt activities if a listed species is observed in the work area. The monitor and/or Service-approved biologist may recommend and direct modification or augmentation of ineffective minimization measures. The monitor and the Service-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels of take of listed species anticipated by the Service during their review of the proposed action. If work is stopped, the approved biologist or onsite biological monitor shall notify the LCSD and the Service immediately.
9. All fueling and maintenance of vehicles and other equipment shall occur at least 100 feet from any wetland (i.e. the known or potential breeding pools) or other water body. Prior to the onset of work, the LCSD will prepare a plan to allow a prompt and effective response to any accidental spills. The plan will be submitted to the Service for review and approval. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
10. Erosion control measures shall be implemented to prevent runoff into adjacent wetland areas. Silt fencing, straw bales or sand bags shall be used in conjunction with other methods to prevent erosion and siltation of the nearby known or potential breeding pools. Erosion control measures shall be inspected daily, prior to the start of work and removed immediately upon completion of soil excavation.

The LCSD will permanently protect 132.83 acres of upland refuge and aquatic breeding habitat in a Conservation Easement on property owned and managed by the LCSD to provide compensatory mitigation for impacts to CTS and CRLF. The Conservation Easement will place the majority of a known CTS breeding pool (Reservoir Pool or GUAD-3) in permanent conservation status. Prior to any ground disturbance associated with the Covered Activities, the LCSD will formally record the easement, as required for CTS and CRLF habitat.

The LCSD will provide monitoring reports on an annual basis. Annual assessment of the Conservation Easement will be completed by a Service-approved biologist according to the protocols described in the HCP. Covered Activities conducted during the annual reporting period will be described in the annual report.

II. Does the HCP fit the following Department of Interior and Fish and Wildlife Service's categorical-exclusion criteria?

A. Are the effects of the HCP minor or negligible on Federally listed, proposed, or candidate species and their habitats covered under the HCP, prior to implementation of the minimization and mitigation measures?

Yes. The Santa Barbara County CTS Distinct Population Segment (DPS) is composed of six metapopulation areas; West Santa Maria/Orcutt, East Santa Maria, West Los Alamos, East Los Alamos, Purisima Hills, and Santa Rita Valley. The subject HCP addresses potential adverse effects to the West Santa Maria/Orcutt metapopulation. Currently, there are approximately 60 known extant CTS breeding ponds in Santa Barbara County distributed across the six metapopulations, with 15 known CTS breeding ponds within the West Santa Maria/Orcutt metapopulation boundaries. The effects will be minor as the impacts will occur to 37.63 acres of dispersal habitat (WWRP and adjacent areas).

CRLF is relatively common within the HCP area, found in ephemeral breeding ponds, Orcutt/Solomon Creek and tributaries, effluent storage ponds, LCSO's storage reservoir and agricultural ditches. Due to the relative abundance, dispersed nature of CRLF in the HCP area, and minimal impacts to suitable habitat, adverse effects to CRLF will be negligible. The proposed preservation of 132.83 acres of CTS upland refuge and aquatic breeding habitat would also benefit CRLF as this species breeds within the preservation area.

B. Are the effects of the HCP minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.), prior to implementation of the minimization and mitigation measures?

Yes, the effects will be minor or negligible.

Air quality: Proposed new facilities will not generate significant pollutant emissions either during construction, operation or maintenance. Construction air pollutant emissions will not exceed thresholds adopted by the Santa Barbara County Air Pollution Control District. No increase in air pollutant emissions associated with operation of new facilities will occur. The project will not conflict with or obstruct implementation of the Santa Barbara County 2016 Ozone Plan, which conforms to the State Implementation Plan.

Geology and soils: The HCP area is not located within a designated earthquake fault zone. The project facilities will be designed to accommodate local geologic conditions, and will not exacerbate geologic hazards or soil erosion. Soil erosion associated with storm run-off will be minimized through compliance with the State's General Permit for Discharges Associated with Construction and Land Disturbance Activities including implementation of a storm water pollution prevention plan.

Water quality and quantity: The Covered Activities will avoid drainages and other waterbodies, including using an existing roadway bridge for the recycled pipeline crossing of Orcutt/Solomon Creek. Water quality impacts associated with storm run-off will be minimized through compliance with the State's General Permit for Discharges Associated with Construction and Land Disturbance Activities including implementation of a storm water pollution prevention plan. Overall, the Covered Activities will benefit water quantity as new pipelines will expand LCSD's recycled water distribution system, allowing for recycled water to be substituted for potable water for landscape irrigation and other uses.

Socioeconomics: Implementation of the Covered Activities will not change the socioeconomic characteristics of this portion of Santa Barbara County, as the LCSD wastewater treatment service area or provided services will not change.

Cultural resources: Based on a cultural resources record search conducted on January 24, 2017 for the HCP area, and field surveys of some of the pipeline alignments, no historic or pre-historic cultural resources will be adversely affected by the Covered Activities.

Recreation: A recycled water pipeline and storage tank will be constructed in Waller County Park. However, these facilities will not displace any recreational areas or otherwise adversely affect recreation in the HCP area.

Visual and aesthetic resources: The Covered Activities will not occur near a designated scenic resource or scenic highway. New WWRP facilities will be located within or adjacent to the existing developed WWRP site. The proposed recycled water storage tank at Waller County Park will be screened by existing intervening trees.

- C. Would the incremental impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) not result, over time, in a cumulative effect to the human environment (the natural and physical environment) which would be considered significant?**

Yes. Other projects in the area will not cumulatively affect the human environment. Present and future projects that may occur in the vicinity of the permit area have or will undergo environmental review by Santa Barbara County or the City of Santa Maria.

III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this HCP? Would implementation of the HCP:

- A. Have significant impacts on public health or safety?**

No. The purpose of the project is maintain, upgrade and expand wastewater treatment and recycled water distribution facilities to meet the existing and projected demand of the service area, which is a benefit to public health and safety. The Covered Activity sites

are not subject to earthquake fault rupture, seismic ground-shaking, liquefaction, or landslides. The Covered Activity sites are not located in high fire hazard areas and operating staff will not be exposed to excessive fire hazard.

B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, or other ecologically significant or critical areas?

No. No refuge lands, wilderness areas, wild or scenic rivers, national natural landmarks, national monuments, or ecologically significant areas occur within or adjacent to the permit area and no effects to these features will result from the Covered Activities. Based on the cultural resources record search conducted for the project, no historic or pre-historic cultural resources will be adversely affected. The recycled water pipeline and storage tank will be located within Waller County Park, but will not displace any recreational facilities. The proposed facilities are located within the Santa Maria Groundwater Basin, but will not result in adverse effects to this drinking water aquifer.

The proposed WWRP Phase 1 Upgrade will require expansion of wastewater treatment facilities to the east, including 4.8 acres of designated Prime farmland. However, this land has been used for the disposal of treated wastewater through spray irrigation and is not under cultivation. The affected area has a low potential agricultural productivity and is isolated from adjacent farmland by other LCSD facilities.

Wetlands likely occur in patches along Orcutt-Solomon Creek; however, proposed facilities will avoid these areas. Based on the 2012 Flood Insurance Rate Map, the existing WWRP is located within the 100-year floodplain. The FMP includes the construction of a flood berm and flood wall to remove the existing WWRP and proposed upgrades from the floodplain.

C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources? [see NEPA section 102(2)(E)]

No. The project is a critical infrastructure program serving the community which is not controversial, and the environmental effects will be primarily limited to potential take of listed species which is fully addressed by the HCP. There are no controversial environmental effects or unresolved conflicts.

D. Have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks?

No. The adverse effects of the project are not uncertain. The primary objective of the project is to maintain, upgrade and expand wastewater treatment facilities to ensure environmental requirements are fully met and potential risks of wastewater discharge are

minimized.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. Implementation of the project will not set a precedent for other similar facilities or actions, and will not represent a decision that will influence other actions that may result in significant environmental effects. Any development in the future, as with past and present development, will have to undergo environmental review based on the effect of the particular project and not any standard established by approval of the present project.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?

No. The project represents all reasonably foreseeable wastewater treatment projects to be implemented by the LCSD and is not directly related to actions by other parties.

G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places?

No. Based on the cultural resources record search conducted for the project, no properties eligible for listing on the National Register of Historic Places will be adversely affected.

H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?

No. Although the Covered Activities may result in the incidental take of CTS and CRLF, any such take will result in minor or negligible effects to the persistence of the species as explained in Section II.A above. Implementation of minimization and avoidance measures during construction, combined with the establishment and management of a permanent preservation area (conservation easement) for CTS and CRLF will provide adequate compensation for project-related impacts to these species.

I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment?

No. Implementation of the project will not threaten to violate any federal, state, local, or tribal law or requirement imposed for the protection of the environment. The purpose of the project is to ensure the LCSD remains in compliance with State and Federal regulations addressing water quality and public health.

J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

No. The WWRP is located within Santa Barbara County Census Tract 25.02, which has a higher percentage of minorities than the City of Santa Maria or Santa Barbara County

(as a whole). However, impacts to the local population will be minimal as all Covered Activities (WWRP upgrade, sludge beds upgrade, new storage reservoir, soil stockpile removal) will be located within existing disturbed sites on LCSD property. Therefore, no high or adverse effects will occur to the local minority population.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

No. There are no Federal lands in the permit area or in the vicinity of the Covered Activity sites and the permit area is not situated in a location that could limit access to Federal Lands.

L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

In compliance with EO 13112, any landscaping or erosion control plantings included in the project will not use species listed as noxious weeds. Numerous invasive plant species occur within the permit area. The HCP includes a management plan prohibiting the introduction of non-native or exotic plant species within the permanent preservation area (conservation easement).

Plant material removed during construction will remain on the project site or will be transported to a certified landfill. If export of earth material potentially containing weed seeds is required, such material will be used for landfill cover or offered as fill at construction sites in urban areas. Therefore, range expansion of noxious weeds or spread of invasive species into wildlands will not occur.

IV. ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

Based on the information and analysis above, I determine that the proposed LCSD Facilities Construction, Operation and Maintenance Incidental Take Permit for the Low-Effect Habitat Conservation Plan for California Tiger Salamander, Santa Barbara County Distinct Population Segment, and California Red-legged Frog qualifies for a categorical exclusion, as defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service *Habitat Conservation Planning and Incidental Take Permit Processing Handbook*.

Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the Low-Effect Habitat Conservation Plan for LCSD Facilities Construction, Operation and Maintenance. Therefore, the Service's permit action for Low-Effect Habitat Conservation Plan for the LCSD Facilities Construction, Operation and Maintenance, is categorically excluded from further NEPA review and documentation, as provided by 40 CFR 1507.3; 43 CFR 46.205; 43 CFR 46.215; 516 DM 3; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents:

Laguna County Sanitation District Habitat Conservation Plan

Signature Approval:


Stephen P. Henry
Field Supervisor
Ventura Fish and Wildlife Office

5/25/17
Date